

BEFORE THE FEDERAL ELECTION COMMISSION

**ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT**

MUR: 7385

Respondents: Unknown Respondent,
BucksPAC and
David Feeney, as Treasurer,
and Dean Malik

Complaint Receipt Date: May 16, 2018

BucksPAC Response Date: June 8, 2018

EPS Rating:

Alleged Statutory

52 U.S.C. § 30120(a)

Regulatory Violations:

11 C.F.R. § 110.11(a)-(b)

The Complaint alleges that over 30 yard signs, which are critical of a Democratic candidate, lack a disclaimer. The Complaint speculates that the signs may have been placed by either Dean Malik or BucksPAC, a political committee reportedly formed by Dean Malik, which posted a picture of one of the signs on its Facebook page.¹ The Complaint bases the allegation that Malik may have created the signs on Malik's appearance on a radio show during which he allegedly made statements using the same language found on the signs. In an unsworn email, BucksPAC denies that it "nor anyone affiliated with" it was involved in the creation or placement of the yard signs, although its treasurer admits that he took a picture of one of the signs and put it on the Committee's Facebook page. Malik, who was notified of the Complaint in his individual capacity, did not respond.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These

¹ Dean Malik was a Republican primary candidate for Pennsylvania's 1st Congressional District. Scott Wallace, the subject of the signs at issue, was a Democratic candidate in the same primary election. The Complaint attaches pictures of three different signs, all of which include the words "Silver Spoon Scott Wallace," although the other text on the signs differed. The Complainant states that over 30 signs had been removed.

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criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the lack of available information about who created and placed the signs, and the Commission's treatment of an analogous case, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.² *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all Respondents and send the appropriate letters.

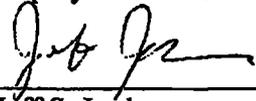
Lisa J. Stevenson
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Kathleen M. Guith
Associate General Counsel

11.5.18
Date

BY:


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² See EPS Report at 2, MUR 7184 (Unknown Respondent) (Dismissing allegation that "over 24" yard signs criticizing House candidate as "Bought/Paid For" lacked a disclaimer).